

S.N. 10/065,093

124335

**REMARKS**

The Office action dated February 3, 2004 and the cited reference have been carefully considered.

**Status of the Claims**

Claims 1-24 are pending. Claims 1-19 are withdrawn pursuant to an election to prosecute claims 20-24 currently, made earlier by Applicant's attorney. The Applicant hereby affirms this election. Therefore, claims 20-24 remain in the current prosecution.

Claims 20-24 are rejected under 35 U.S.C. § 102(b) as being anticipated by Codama (U.S. Patent 6,091,078). The Applicants respectfully traverse this rejection for the reasons set forth below.

**Claim Rejection Under 35 U.S.C. § 102(b)**

Claims 20-24 are rejected under 35 U.S.C. § 102(b) as being anticipated by Codama (U.S. Patent 6,091,078). The Applicants respectfully traverse this rejection because Codama does not teach each and every element of each of claims 20-24.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a *single* prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987) (emphasis added). "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989).

Codama discloses at least one continuous electrically conducting layer. For example, Codama states, at column 8, lines 1-4, that "[t]he first electrode is formed so as to extend across the groove structures and be electrically connected to regions where adjacent elements are to be formed. See also Figures 1-8.

In contradistinction, claims 20-24 recite that each electrically conducting layer of a light-emitting element is separate from a similar electrically conducting layer of another light-emitting element. Therefore, Codama does not disclose each and every element of each of claims 20-24.

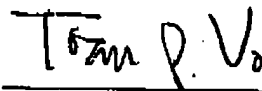
S.N. 10/065,093

124335

Since Codama does not disclose each and every element of each of claims 20-24, Codama does not anticipate these claims.

In view of the above, it is submitted that the claims are patentable and in condition for allowance. Reconsideration of the rejection is requested. Allowance of claims at an early date is solicited.

Respectfully submitted,



Toan P. Vo, Ph.D.  
Attorney for the Applicants  
Registration No. 43,225  
(518)387-6648

Schenectady, New York  
May 3, 2004